

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

United States of America,)	
)	
Plaintiff,)	No. 3:09-cr-00014
)	
-vs-)	MOTION TO WITHDRAW
)	AS COUNSEL OF RECORD
)	
Donald Dale Miller,)	
)	
Defendant,)	

Comes Now Jerold W. Barringer, and for his Motion to Withdraw as Counsel of Record, states as follows:

1. Counsel has been representing Defendant, Donald Miller, since the beginning of June, 2009, on this criminal tax case. Counsel has filed a number of motions, and has been developing a trial strategy for this case, currently scheduled for Tuesday, February 16, 2010, to begin at 9:00 a.m.

2. Counsel has also been having discussions with the prosecution and Mr. Miller on a possible plea agreement to preserve certain issues of appeal. Those conversations have been ongoing and included discussions over the past weekend.

3. This morning, Monday, February 1, 2010, counsel contacted Mr. Miller as to his decision with respect to the plea agreement. Counsel was informed by Mr.

Miller that Counsel was terminated as Mr. Miller's attorney as of 8:25 a.m. this morning.

4. Counsel has advised the Assistant U.S. Attorney and the Magistrate Judge that Counsel has been terminated, and relayed back to Mr. Miller that pursuant to the Magistrate's oral order, that trial is still scheduled for Tuesday, February 16, 2010.

5. Having been terminated, Counsel moves to withdraw from this case. Counsel is working to get the files to Mr. Miller by Tuesday, February 2, 2010.

WHEREFORE, Counsel requests the Court grant his Motion to Withdraw for the reasons stated herein.

Dated February 1, 2010.

Respectfully Submitted

/s/ Jerold W. Barringer
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served the Assistant U.S. Attorney, Craig Peyton Gaumer by ECF/CM filing this 1st day of February, 2010, and by first class mail, certified receipt delivery to Donald Miller at 1248 120th St. Wayland, IA 52654 on the 1st day of February, 2010.

/s/ Jerold W. Barringer